

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY SIDIE,

Defendant.

8:14CR225

ORDER

Defendant Terry Sidie appeared before the court on August 22, 2018 on a Fifth Amended Petition for Offender Under Supervision [328]. The court will dismiss the Third Amended Petition for Offender Under Supervision [308] and Fourth Amended Petition for Offender Under Supervision [316] pursuant to the government's oral motion and proceed with the Fifth Amended Petition [328]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer.

Through his counsel, the defendant waived his right to a probable cause hearing on the Fifth Amended Petition for Offender Under Supervision [328] pursuant to Fed. R. Crim. P. 32.1(b)(1). I find that the Petition alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Chief Judge Smith Camp.

The government moved for detention. A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. The Third Amended Petition for Offender Under Supervision [308] and Fourth Amended Petition for Offender Under Supervision [316] are dismissed on the oral motion of the government.

2. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on October 18, 2018 at 10:30 a.m. The defendant must be present in person.

3. The defendant, Terry Sidie, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

4. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 23rd day of August, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge